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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael R. Rosen et al.
Serial No. : 09/898,417
Filed : July 3, 2001
For : A HIGH THROUGHPUT BIOLOGICAL HEART RATE
MONITOR THAT IS MOLECULARLY DETERMINED

1185 Avenue of the Americas
New York, New York 10036
October 3, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

INFORMATION DISCLOSURE STATEMENT

In compliance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references, which are listed on the accompanying form PTO-1449 (Exhibit 1). Except for reference numbers 4, 7, 20, 23, 27, 37, 41, 49 and 56, which are not readily available all of the information identified on the attached form PTO-1449 is being submitted to the Patent Office in prior application Serial No. 09/875,392 filed June 6, 2001, which is relied upon for a filing date under 35 U.S.C. §120. Therefore, pursuant to 37 C.F.R. §1.198(d) copies of the information identified herein are not

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required.

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Applicants believe that these references do not anticipate or render obvious applicants' claimed invention. Because this Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits, no fee is believed to be due. However, in the event that a first Office Action on the merits has been mailed which has not yet reached applicant's attorney, or has not yet been connected to the file in applicant's attorney's office, applicant hereby requests for consideration of this Information Disclosure Statement, pursuant to 37 C.F.R. §1.97(c) and authorize the Office to Charge Deposit

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Account No. 03-3125 the amount of the petition fee in accordance with 37 C.F.R. §1.17(p). In the event that a Notice of Allowance has been mailed, applicant hereby petitions, pursuant to 37 C.F.R. §1.97(d), for consideration of this Information Disclosure Statement, and authorize the Office to charge Deposit Account No. 03-3125 the amount of the fee in accordance with 37 C.F.R. §1.17(i).

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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